

~ WHAT TO DO WHEN SOMEONE DIES ~

The following are some of the important matters that should be attended to at a time when the grief of the family might easily cause some of them to be overlooked. We hope this information will help you focus on what you need to do and what you may wish to delegate to family and friends. *Note: Also see forms "Procedures at Death" and "Funeral and Burial Arrangements" located in Estate Planning Portfolio.*

**Immediate Steps to be Taken**

1. **Call the Coroner.** If the death occurs at home you must call the Coroner's Office for the county where the death occurs, or dial 911 if you want the support of emergency personnel. The paramedics will attempt resuscitation unless the person has a pre-hospital directive. If you are using a hospice, they will help you.
2. **Cause of Death.** Ascertain the cause of death and the exact time of death as closely as possible. It is important for the death certificate and for insurance purposes. If there is some question as to the cause of death, consider contacting the police or authorizing an autopsy or seeking some other form of investigation.
3. **Organ Transplant.** Determine from the decedent's driver's license, wallet card, living will, or anatomical gift letter if organ transplants or donations are designated and take immediate steps to obtain medical assistance for saving those donated organs.
4. **Deceased's Instructions.** Look through the deceased's papers to find if he or she:
  - (a) had a prepaid burial plan
  - (b) belonged to a memorial society
  - (c) had written instructions regarding his/her funeral arrangements
5. **Arrangements for Deceased Person's Body.** Arrange for the body to be picked up:
  - (a) according to the coroner's instructions
  - (b) according to instructions from a training hospital if the body or organs are to be donated
  - (c) by the mortuary chosen for the funeral (*Note: Federal law requires price information to be given over the phone*)
  - (d) by the crematory if you are going to cremate the body
6. **Notify Family and Friends.** Ask them to help you with some tasks, including notification of other family and friends. (The Red Cross will help notify family members if the deceased was in the military or if the relative to be notified is in the military.) Choose someone to:
  - (a) answer the phone
  - (b) collect mail
  - (c) care for any minor children in need of immediate attention
  - (d) care for pets
  - (e) locate car keys
  - (f) take care of perishable property
  - (g) take care of lawn or snow removal
  - (h) stay at home during funeral to guard against break-ins occurring when the family is at the funeral
  - (i) provide food for family and friends after the funeral and during period of grief
  - (j) clean house and perform other routine household chores

7. **Funeral Arrangements.** Determine if any funeral or cremation arrangements have been prearranged and, if not, contact a mortuary as soon as possible for initiation of such arrangements. For psychological reasons, involve as many of the family members as possible to get a consensus on the funeral and burial plans. Find out who in the family would like as pallbearers, and phone or wire for their acceptance. After the funeral, send notes of appreciation to all who attended and assisted.
  - (a) If the deceased was on public assistance, burial assistance may be available. Contact your local County Department of Social Services as soon as possible. If the deceased was in the military, contact the VA cemetery or VA office. There may be burial benefits. The mortuary will call the VA at your request.
  - (b) Contact fraternal and religious organizations which may conduct funeral services and other organizations of which the deceased was a member.
  - (c) If you have concerns that you cannot resolve with the funeral director or management of the funeral home, contact the Funeral Service Customer Assistance program at: 1 (800) 662-7666.
8. **Termination of Personal Service.** Consider contacting business or persons delivering personal services to the decedent, such as newspapers and magazines, to terminate their delivery.
9. **Mail Delivery.** Arrange to have the decedent's mail handled securely. Consider transferring the address for mail delivery to prevent a pile-up of mail and, if necessary, direct the United States Post Office to withhold delivery temporarily.
10. **Medical and Psychological Assistance for Survivors.** Determine from discussing with the immediate family or business associates whether or not they may be in need of medical, psychological or spiritual assistance for shock or trauma resulting from the death. If so, contact the appropriate person for medication or counseling.
11. **Pending Business Transactions.** Determine from decedent's family or business associates any pending business transactions which may need immediate attention. Check the decedent's calendar, appointment book, and stacks of correspondence and unpaid bills. Consider the necessity for immediate action to protect against business loss.
12. **Property Needing Protection.** Consider property which was under the decedent's control (including business property) and determine whether or not that property is in need of arrangements to protect it against theft or loss due to inattention.
13. **Insurance Coverage.** Contact all insurance companies. Make certain there is adequate liability and loss insurance coverage in force to protect all assets and all persons concerned.
14. **Possible Lawsuits.** If the death was caused by the wrongdoing of another person (as in an automobile accident), find witnesses, take pictures, call the police and your trust advisor so that the rights of the family to recover damages for the death can be protected and preserved.
15. **Inventory.** An inventory of household goods and personal effects should be made as soon as possible after death so these can be identified and safeguarded.
16. **Social Security.** The Social Security Administration should be notified in order to collect any money due or cancel future payments (usually taken care of through the mortuary).

17. **Record of Expenses.** Family members should keep careful records of expenses incurred with the funeral and other immediate arrangements.

### **Steps to be Taken After the Funeral**

18. **Set Meeting with Attorney.** As soon as the immediate steps are taken and when you are ready, contact an attorney's office who specializes in trust and estate matters.
19. **Examine Trust and Will.** These documents, of course, set forth the decedent's guidelines as to how the estate is to be administered and distributed.
20. **Submit Will for Probate.** There will not be a probate if all of the assets have been funded into a living trust. If it is determined that a probate is necessary, it should be decided whether to make application for informal probate or initiate formal testate proceedings. This office can assist you in this determination.
21. **Collect and Inventory Assets and Liabilities.** We recommend that all persons leave a list of important documents and things of value with trusted family members and their attorney so that close members of the family can locate these items as soon after the death as possible to ease the transition. Many times the accountant will have information on file. In any event, as soon after the death as possible these items should be located and safeguarded.
- (a) Collect all cash in name of deceased
  - (b) Inventory household goods and effects
  - (c) Collect life insurance payable to the estate
  - (d) Arrange for supervision and management of business interests
  - (e) Obtain custody of securities and collect interest and dividends
  - (f) Review leases, check taxes against and loans on real estate and other loans; arrange for management
22. **Obtain Appraisals of Property if Needed.** Obtain the facts as to the value of property and hire appraisers when necessary.
23. **Administer the Estate.** This is governed by the provisions of your Estate Planning Portfolio.
- (a) Give attention to business interests and determine policy of continuance, liquidation or sale, with due regard to expressions, wishes and desires of the deceased person. Review buy/sell and stock redemption agreements.
  - (b) Review all assets and cash requirements. Decide which assets will be sold if needed for immediate funds.
  - (c) If real estate is to be sold, determine asking price and offer for sale.
  - (d) Settle claims. All claims filed should be investigated to determine validity.
  - (e) If all the decedent's assets are in a living trust, no probate may be necessary. However, an inventory still should be taken of the assets in the trust and values determined. Accurate records must be kept to provide an accounting to the beneficiaries.
  - (f) It may be necessary to apply for a federal tax identification number for the trust. Contact the attorney or accountant who is assisting with the estate to determine if such an application needs to be made.
24. **Determine and Settle Taxes.** There are numerous options which may be used to reduce both income and estate taxes. These must be considered by the successor trustee, attorney and accountant.

- (a) Income taxes
  - (i) File income tax return for part of year prior to decedent's death
  - (ii) File returns for estate or trust for the period after death
  - (iii) Review returns open to audit to determine if they require amendment
- (b) Estate Taxes
  - (i) Prepare and file estate tax returns if required
  - (ii) Take steps to obtain tax releases on all real and personal property wherever located

- 25. **Distribute the Estate.** Distribute assets per terms of your Estate Planning Portfolio.
- 26. **Discharge of Personal Representative.** If it was necessary to probate the will, when all of the claims have been paid and the property distributed, the personal representative may then file a closing statement.
- 27. **Prepare Final Accounting.** This consists of a detailed statement of receipts and disbursements and distribution of assets.
- 28. **Trust Administration.** A probate is avoided when all the decedent's assets are in a living trust; therefore, many of the above steps can be eliminated. However, an inventory will have to be taken of the assets in the trust and the date of death value determined. The trust assets will be divided into the subtrusts in accordance with the instructions in the trust agreement. Accurate records must be kept so that accountings can be made and tax returns filed. *See the memo titled "Legal Steps to be Taken" for further assistance.*

**NOTE:** Many of the above steps may require the services of an individual knowledgeable in the current tax and trust laws. Our office specializes in tax matters and estate planning and can assist in the preparation of estate tax returns and in redistribution of assets.

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#### **DISCLAIMER**

The content of this list is general in nature and is meant to be used for informational purposes only. Due to possible changes in the law and interpretations of the law, in addition to the uniqueness of each individual's, this list should not be relied upon as an expression of legal advice. Before any action is taken by the reader, it is imperative that legal counsel or professional advisers be consulted.

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